

1 KAMALA D. HARRIS
Attorney General of California
2 ALFREDO TERRAZAS
Senior Assistant Attorney General
3 LINDA K. SCHNEIDER
Supervising Deputy Attorney General
4 State Bar No. 101336
110 West "A" Street, Suite 1100
5 San Diego, CA 92101
P.O. Box 85266
6 San Diego, CA 92186-5266
Telephone: (619) 645-3037
7 Facsimile: (619) 645-2061
Attorneys for Complainant

8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. *2013-644*

13 **JENNIFER AURORA TAYLOR**
14 **14425 Windmill Lane**
Moreno Valley, CA 92555

A C C U S A T I O N

15 **Registered Nurse License No. 786158**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
21 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
22 Consumer Affairs.

23 2. On or about October 28, 2010, the Board of Registered Nursing issued Registered
24 Nurse License Number 786158 to Jennifer Aurora Taylor (Respondent). The Registered Nurse
25 License was in full force and effect at all times relevant to the charges brought herein and will
26 expire on August 31, 2014, unless renewed.

27 ///

28 ///

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2750 of the Code provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under section 2811, subdivision (b) of the Code, the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

6. Section 482 of the Code states:

Each board under the provisions of this code shall develop criteria to evaluate the rehabilitation of a person when:

(a) Considering the denial of a license by the board under Section 480; or

(b) Considering suspension or revocation of a license under Section 490.

Each board shall take into account all competent evidence of rehabilitation furnished by the applicant or licensee.

7. Section 490 of the Code provides, in pertinent part, that a board may suspend or revoke a license on the ground that the licensee has been convicted of a crime substantially related to the qualifications, functions, or duties of the business or profession for which the license was issued.

8. Section 493 of the Code states:

Notwithstanding any other provision of law, in a proceeding conducted by a board within the department pursuant to law to deny an application for a license or to suspend or revoke a license or otherwise take disciplinary action against a person who holds a license, upon the ground that the applicant or the licensee has been convicted of a crime substantially related to the qualifications, functions, and duties of the licensee in question, the record of conviction of the crime shall be conclusive evidence of the fact that the conviction occurred, but only of that fact, and the board

1 may inquire into the circumstances surrounding the commission of the crime in order
2 to fix the degree of discipline or to determine if the conviction is substantially related
to the qualifications, functions, and duties of the licensee in question.

3 As used in this section, "license" includes "certificate," "permit," "authority,"
4 and "registration."

5 9. Section 2761 of the Code states:

6 The board may take disciplinary action against a certified or licensed nurse or
7 deny an application for a certificate or license for any of the following:

8 (a) Unprofessional conduct, which includes, but is not limited to, the
following:

9

10 (f) Conviction of a felony or of any offense substantially related to the
11 qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof.

12

13 10. Section 2762 of the Code states:

14 In addition to other acts constituting unprofessional conduct within the meaning
15 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
licensed under this chapter to do any of the following:

16

17 (b) Use any controlled substance as defined in Division 10 (commencing with
18 Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous
device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner
19 dangerous or injurious to himself or herself, any other person, or the public or to the
extent that such use impairs his or her ability to conduct with safety to the public the
20 practice authorized by his or her license.

21 (c) Be convicted of a criminal offense involving the prescription, consumption,
or self-administration of any of the substances described in subdivisions (a) and (b) of
22 this section, or the possession of, or falsification of a record pertaining to, the
substances described in subdivision (a) of this section, in which event the record of
23 the conviction is conclusive evidence thereof.

24

25 11. Section 2765 of the Code states:

26 A plea or verdict of guilty or a conviction following a plea of nolo contendere
27 made to a charge substantially related to the qualifications, functions and duties of a
registered nurse is deemed to be a conviction within the meaning of this article. The
board may order the license or certificate suspended or revoked, or may decline to
28 issue a license or certificate, when the time for appeal has elapsed, or the judgment of

conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information or indictment.

REGULATORY PROVISIONS

12. California Code of Regulations, title 16, section 1444, states:

A conviction or act shall be considered to be substantially related to the qualifications, functions or duties of a registered nurse if to a substantial degree it evidences the present or potential unfitness of a registered nurse to practice in a manner consistent with the public health, safety, or welfare. Such convictions or acts shall include but not be limited to the following:

(a) Assaultive or abusive conduct including, but not limited to, those violations listed in subdivision (d) of Penal Code Section 11160.

(b) Failure to comply with any mandatory reporting requirements.

(c) Theft, dishonesty, fraud, or deceit.

(d) Any conviction or act subject to an order of registration pursuant to Section 290 of the Penal Code.

13. California Code of Regulations, title 16, section 1445 states:

....

(b) When considering the suspension or revocation of a license on the grounds that a registered nurse has been convicted of a crime, the board, in evaluating the rehabilitation of such person and his/her eligibility for a license will consider the following criteria:

(1) Nature and severity of the act(s) or offense(s).

(2) Total criminal record.

(3) The time that has elapsed since commission of the act(s) or offense(s).

(4) Whether the licensee has complied with any terms of parole, probation, restitution or any other sanctions lawfully imposed against the licensee.

(5) If applicable, evidence of expungement proceedings pursuant to Section 1203.4 of the Penal Code.

(6) Evidence, if any, of rehabilitation submitted by the licensee.

///

///

///

1 COSTS

2 14. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 FIRST CAUSE FOR DISCIPLINE

9 (February 21, 2012 Criminal Conviction for DUI on March 14, 2011)

10 15. Respondent has subjected her license to disciplinary action under sections 490 and
11 2761, subdivision (f) of the Code in that Respondent was convicted of a crime that is substantially
12 related to the qualifications, functions, and duties of a registered nurse. The circumstances are as
13 follows:

14 a. On or about February 21, 2012, in a criminal proceeding entitled *State of*
15 *Nevada v. Jennifer Taylor*, in Las Vegas Justice Court (Clark County), case number 11M12326X,
16 Respondent was convicted on her plea of no contest of violating Nevada Revised Statutes (NRS)
17 484C.101 / 484C.400, driving and/or being in actual physical control while under the influence of
18 intoxicating liquor, a misdemeanor. The court dismissed additional counts of driving without a
19 valid license (NRS 483.550), operation of motor vehicle without security (insurance) (NRS
20 485.185; 485.360), and operation of a motor vehicle with an expired registration (NRS 482.545),
21 pursuant to a plea agreement.

22 b. As a result of the conviction, on or about February 21, 2012, Respondent was
23 ordered to serve 30 days in jail, suspended pending successful completion of probation.
24 Respondent was ordered to complete an eight-hour DUI session, a Victim Impact Panel session,
25 and pay \$585 in fees and fines.

26 c. The facts that led to the conviction are that just before midnight, on or about
27 March 14, 2011, a patrol officer with the Las Vegas Metropolitan Police was driving in the
28 vicinity of the airport when he observed a vehicle, driven by Respondent, drive through a posted

1 stop sign without stopping at a speed of approximately 40-45 mph. Respondent collided with a
2 curb and continued driving until she ran off the road. She drove in the dirt until she collided with
3 a chain link fence. Respondent knocked down the chain link fence, then continued driving under
4 the fence before coming to a rest. Respondent's vehicle sustained major damage to the front,
5 right and left sides, and the top and undercarriage. Respondent was contacted by the officer. He
6 observed that she had the odor of an alcoholic beverage on her breath, her eyes were bloodshot
7 and watery, and her speech was slurred. Respondent told the officer that she started drinking
8 alcoholic beverages as she drove from California to Las Vegas. She had no valid driver's license,
9 no proof of insurance, and her vehicle registration was expired. Respondent could not complete
10 the field sobriety tests because she was unable to stand without support. Respondent was arrested
11 for driving under the influence of alcohol. She provided two breath samples which were analyzed
12 with a blood alcohol concentration (BAC) of .222 and .214.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Use of Alcohol in a Dangerous Manner)**

15 16. Respondent has subjected her registered nurse license to disciplinary action under
16 section 2762, subdivision (b) of the Code for unprofessional conduct in that on or about March
17 14, 2011, as described in paragraph 15, above, Respondent used alcoholic beverages to an extent
18 or in a manner that was dangerous and injurious to herself, and to others, when she operated a
19 motor vehicle while significantly impaired and was involved in collisions.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Conviction of an Alcohol-Related Criminal Offense)**

22 17. Respondent has subjected her registered nurse license to disciplinary action under
23 section 2762, subdivision (c) of the Code for unprofessional conduct in that on or about February
24 21, 2012, as described in paragraph 15, above, Respondent was convicted of a criminal offense
25 involving the consumption and/or self-administration of alcohol.

26 ///

27 ///

28 ///

1 **PRAYER**

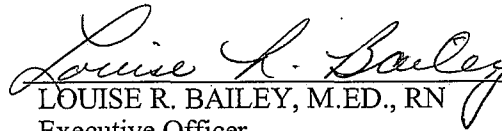
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Registered Nursing issue a decision:

4 1. Revoking or suspending Registered Nurse License Number 786158, issued to
5 Jennifer Aurora Taylor;

6 2. Ordering Jennifer Aurora Taylor to pay the Board of Registered Nursing the
7 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
8 Professions Code section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.
10
11

12 DATED: FEBRUARY 20, 2013


13 LOUISE R. BAILEY, M.ED., RN
14 Executive Officer
15 Board of Registered Nursing
16 Department of Consumer Affairs
17 State of California
18 Complainant
19
20
21
22
23
24
25
26
27
28

SD2012704455

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**Jennifer Aurora Taylor
14425 Windmill Lane
Moreno Valley, CA 92555**

Registered Nurse License No. 786158

Respondent.

Case No. 2013-644

REQUEST FOR DISCOVERY

[Gov. Code § 11507.6]

TO RESPONDENT:

Under section 11507.6 of the Government Code of the State of California, parties to an administrative hearing, including the Complainant, are entitled to certain information concerning the opposing party's case. A copy of the provisions of section 11507.6 of the Government Code concerning such rights is included among the papers served.

PURSUANT TO SECTION 11507.6 OF THE GOVERNMENT CODE, YOU ARE
HEREBY REQUESTED TO:

1. Provide the names and addresses of witnesses to the extent known to the Respondent, including, but not limited to, those intended to be called to testify at the hearing, and

2. Provide an opportunity for the Complainant to inspect and make a copy of any of the following in the possession or custody or under control of the Respondent:

a. A statement of a person, other than the Respondent, named in the initial administrative pleading, or in any additional pleading, when it is claimed that the act or omission of the Respondent as to this person is the basis for the administrative proceeding;

b. A statement pertaining to the subject matter of the proceeding made by any party to another party or persons;

1 c. Statements of witnesses then proposed to be called by the Respondent and
2 of other persons having personal knowledge of the acts, omissions or events which are the
3 basis for the proceeding, not included in (a) or (b) above;

4 d. All writings, including but not limited to reports of mental, physical and
5 blood examinations and things which the Respondent now proposes to offer in evidence;

6 e. Any other writing or thing which is relevant and which would be
7 admissible in evidence, including but not limited to, any patient or hospital records
8 pertaining to the persons named in the pleading;

9 f. Investigative reports made by or on behalf of the Respondent pertaining
10 to the subject matter of the proceeding, to the extent that these reports (1) contain the names
11 and addresses of witnesses or of persons having personal knowledge of the acts, omissions
12 or events which are the basis for the proceeding, or (2) reflect matters perceived by the
13 investigator in the course of his or her investigation, or (3) contain or include by attachment
14 any statement or writing described in (a) to (e), inclusive, or summary thereof.

15 For the purpose of this Request for Discovery, "statements" include written statements by
16 the person, signed, or otherwise authenticated by him or her, stenographic, mechanical, electrical
17 or other recordings, or transcripts thereof, of oral statements by the person, and written reports or
18 summaries of these oral statements.

19 YOU ARE HEREBY FURTHER NOTIFIED that nothing in this Request for Discovery
20 should be deemed to authorize the inspection or copying of any writing or thing which is
21 privileged from disclosure by law or otherwise made confidential or protected as attorney's work
22 product.

23 Your response to this Request for Discovery should be directed to the undersigned attorney
24 for the Complainant at the address below within 30 days after service of the Accusation.

25 ///

26 ///

27 ///

28 ///

1 Failure without substantial justification to comply with this Request for Discovery may
2 subject the Respondent to sanctions pursuant to sections 11507.7 and 11455.10 to 11455.30 of the
3 Government Code.

4 Dated: 2/20/2013
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28